

JAN 20 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CARLOS DIAZ-GOMEZ; et al.,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-74663

Agency Nos. A095-878-247

A095-878-248

A095-878-249

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 13, 2009**

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

Carlos Diaz-Gomez, Maria Estela Diaz, and Nancy Elizabeth Diaz-Rico,
natives and citizens of Mexico, petition pro se for review of the Board of
Immigration Appeals' ("BIA") order denying their motion to reopen removal

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

proceedings. Our jurisdiction is governed by 8 U.S.C. § 1252. Reviewing for abuse of discretion, *Valeriano v. Gonzales*, 474 F.3d 669, 672 (9th Cir. 2007), we deny in part and dismiss in part the petition for review.

The BIA did not abuse its discretion in denying Petitioners' motion to reopen because Petitioners failed to submit previously unavailable and material evidence. *See* 8 C.F.R. § 1003.2(c)(1).

To the extent Petitioners seek review of the BIA's July 20, 2007 order dismissing their appeal, we lack jurisdiction because the petition for review is not timely as to that order. *See* 8 U.S.C. § 1252(b)(1); *Singh v. INS*, 315 F.3d 1186, 1188 (9th Cir. 2003).

PETITION FOR REVIEW DENIED in part; DISMISSED in part.